

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

September 7, 1984

Dennis A. Lee
City Attorney
City of Pleasant Hill
3300 N. Main Street
Pleasant Hill, CA 94523

Re: Your Request for Advice
Our File No. A-84-188

Dear Mr. Lee:

You requested advice from this office on behalf of Louis E. Weldon, Councilmember of the City of Pleasant Hill, concerning his duties and obligations under conflict of interest provisions of the Political Reform Act^{1/} with respect to decisions made by the City Council in its role as the City Redevelopment Agency.

QUESTIONS PRESENTED

1. May Mr. Weldon participate in a decision on the expansion of the Pleasant Hills Commons Redevelopment Area?
2. May Mr. Weldon participate in a decision on the Planned Unit Development Overlay Zoning for the proposed redevelopment expansion area?
3. May Mr. Weldon participate in decisions on specific redevelopment projects? More specifically, may he participate in decisions on a proposed hotel project and decisions on a possible project for Gregory Gardens Shopping Center?

^{1/} Government Code Sections 81000-91014. All statutory references are to the Government Code.

CONCLUSIONS

1. Mr. Weldon may not participate in a decision on the expansion of the Pleasant Hills Commons Redevelopment Area based on the discussion below.

2. Mr. Weldon may not participate in a decision on the Planned Unit Development Overlap Zoning for the proposed redevelopment expansion area based on the discussion below.

3. Whether Mr. Weldon may participate in decisions on specific development projects depends on the financial impact of the development on his real property and business interests.

FACTUAL BACKGROUND

1. Mr. Weldon's Financial Interests.

Mr. Weldon has a 25% ownership interest in Investors Affiliated, a partnership comprised of four equal partners. Investors Affiliated's only asset and business is a building and a parcel of real property located at 1825 Contra Costa Boulevard. Investors Affiliated rents out part of the building to California Auto Radio and Air Conditioning, Inc., a sales and service business for automobile radios and air conditioning owned and operated by Mr. Weldon and his wife. Space in the building is also leased to California Dental Ceramics, Inc., a business in which Mr. Weldon has no investment.^{2/} It is my understanding that Mr. Weldon has no other financial interests either in or near the redevelopment area in question.^{3/}

2. Proposed Expansion of Pleasant Hills Commons Redevelopment Area ("Area").

The City currently has two redevelopment areas called Pleasant Hills Commons and Schoolyard. The plan for the Pleasant Hills Commons Area is for a new central area for the

^{2/} All of Mr. Weldon's financial interests discussed in this letter exceed the investment and income threshold limits for disqualification contained in Section 87103. See Analysis, below.

^{3/} Mr. Weldon owns his residence at 131 Lorenzo Drive in Pleasant Hill.

Dennis A. Lee
September 7, 1984
Page 3

City. The plan provides for major changes in the Area; a majority of the existing structures are going to be removed and replaced by new buildings and public open space. Private property in the area is going to be purchased by the City, and businesses and households will be relocated. Some new homes and businesses have already been built including the Pleasant Hill Plaza Shopping Center, 101 senior citizen rental units, and 234 townhouses. The second phase of construction has not started yet; it will include a hotel and central block development incorporating a specialty retail complex, offices, and possibly new City offices arranged around a unique open space park.

The City is now considering expanding the Area to include a very small commercial strip along Contra Costa Boulevard north of the Present Area. Mr. Weldon's business and property are located on this strip. Expanding the Area to include this strip entails adding Planned Unit Development Overlay Zoning for all development along the strip. With respect to the strip proposed for inclusion in the Area, you stated in your letter:

The Business District Element of the Pleasant Hill General Plan refers to this area generally between the Pleasant Hill/Concord line to the north of the Woodsworth Shopping Center to the south as "strip commercial development with some single family use backing up to the major street" (Contra Costa Boulevard). It further states that "the problem of commercial encroachment, however, does occur in the southern commercial area; well defined and contained commercial uses do not exist in this area and conflicts between pedestrian-oriented conveniences and comparison goods outlets and facilities serving the automobile are apparent." This discussion in the General Plan closes to [sic] stating that there are "many facilities in structures built without reference to the design of, or use of neighboring buildings contribute to the general appearance as unplanned and ill-conceived development." This was written in 1966 during a General Plan revision. Even though there have been some attempts to improve some of the existing development including construction of two or three new buildings, the area has continued to deteriorate.

In our telephone discussions concerning this advice request, you provided me with the following additional facts:

1. The General Plan designations and zoning for this area will not change as a result of the proposed Council decisions.

2. The Planned Unit Development Overlay Zoning gives the City Council more control over development in the area.

3. Although originally automotive uses were not going to be allowed in this area, the Council decided that it would be appropriate to allow at least some automotive uses. More specifically, the City Council recently approved the development of a large lot which is adjacent to Mr. Weldon's property for a Big O Tires Store and related development. Accordingly, you said that the continued use of Mr. Weldon's property for his auto radio and air conditioning business will probably be compatible with planned development for this area, although automotive uses will be generally discouraged.^{4/}

4. The Redevelopment Plan does allow for rehabilitation of existing development. This is an important aspect of the Plan since, as you pointed out to me, many of the lots in the proposed area for expansion are unsuitable for new development because of their location and the lot size and shape.

5. There are currently no projects specifically planned for the Contra Costa Boulevard strip, although a possible project has been discussed for redevelopment of the Gregory Gardens Shopping Center. Several of the current tenants of this shopping center are urging the Council/Redevelopment Agency not to expand the Area's boundaries as proposed since they feel that the higher property values will cause their rents to go up and that some of their businesses may be considered unsuitable for a redeveloped center.

ANALYSIS

The Political Reform Act prohibits public officials from making or participating in governmental decisions in which they have a financial interest in the outcome. Section 87100. Section 87103 provides that an official has a financial interest in a decision when it is reasonably foreseeable that the decision will have a material financial effect on:

(a) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000).

^{4/} It is not clear what form this discouragement will take, and the future operations of Mr. Weldon's business could possibly be affected.

- (b) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000).

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

Mr. Weldon's auto radio and air conditioning business is both an investment and a source of income to him within the meaning of Section 87103. In addition, his interest in the real property located at 1825 Contra Costa Boulevard is a financial interest under Section 87103(b). Since he has a 10% or greater interest in Investors Affiliated, sources of income to that business are sources of income to him under Section 87103(c); this would include California Dental Ceramics, Inc. Accordingly, Mr. Weldon must refrain from participating in any Council/Agency decisions which could foreseeably result in a material financial effect on any of these financial interests.

Question #1:

Normally redevelopment decisions will be presumed to have a reasonably foreseeable material financial effect on real property or a business located in the redevelopment area since the intended effects of redevelopment are to revitalize and upgrade the area and to increase the property value. In its Oglesby Opinion, 1 FPFC Opinions 71 (No. 75-083, July 2, 1975), the Commission addressed the disqualification issues with respect to Redevelopment Agency decisions for a city councilmember who owned property and conducted a real estate business in the project area. The Commission noted in its analysis:

One of the major goals of a redevelopment plan is increasing property values, in particular within the project area and less directly within the entire community. In redeveloping the blighted areas of the community, all property becomes more valuable, particularly that which has been redeveloped. With

regard to the specific plan under consideration in Antioch, the creation of a new civic center will undoubtedly increase the value of property located nearby.^{9/} [Fn. omitted] Improved freeway access will raise the value of the property in the vicinity of the new off-ramp. The widened highway presumably provides a benefit to surrounding property. Street improvements have an obvious and immediate impact on the property in the assessment area. Finally, the preparation of a plan for commercial and industrial sites will, to the extent it is successful, affect property values to various extents throughout the city.

As we discussed on the phone, it is not absolutely clear what the effects would be on Mr. Weldon's auto radio and air conditioning business assuming that he is allowed to continue conducting business under the Redevelopment Plan. However, it is reasonably foreseeable that improvements in the area could be beneficial to his business since it is a customer service business; if the area is improved and revitalized economically, there could be additional traffic in the area which could increase his business. Also a safer and cleaner environment around his business could attract customers. In addition, there do not seem to be any facts which would indicate that the value of the commercial property in which Ms. Weldon has an interest will not be enhanced.^{2/} In addition to the general benefits of being in a redevelopment area, as an owner of real property, he will be eligible to apply for rehabilitation monies. Based on all of these factors, Mr. Weldon may not participate in the decision to expand the Redevelopment Area nor may he participate in any of the other Redevelopment Area decisions which will have an impact on the Area as a whole.

Question #2:

The decision to expand the Redevelopment Area to include the Contra Costa Boulevard Strip and the decision to adopt a Planned Unit Development Overlay Zoning are basically two parts of the same decision: to allow controlled development on the

^{5/} Under the Commission's regulation defining materiality, an effect on the value of real property is considered material if there will be an increase or decrease by one half of one percent. 2 Cal. adm. Code Section 188702(b)(2)(B). E.g. a \$2,000 effect on property worth \$400,000 is material.

Dennis A. Lee
September 7, 1984
Page 7

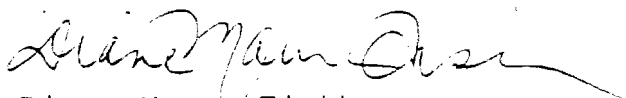
commercial strip. Thus they are sufficiently interrelated that disqualification is required for both decisions.

Question #3:

You also asked hypothetical questions about certain possible future decisions by the Council/Agency on specific development projects in the original Commons Area and on the commercial strip if it is added to the Commons Area. The answers to these questions must be analyzed on a case-by-case basis. Based on the above analysis, it seems clear that Mr. Weldon may have a conflict of interest as to certain projects and certain Agency decisions because he owns commercial property and runs a business in the Area. Important factors to be considered would be the size and nature of the specific project and its proximity to his business and property. I cannot give you more specific advice at this time since not all of the facts and circumstances are known yet.

Please feel free to contact this office if you desire additional assistance or if you wish to discuss this letter.

Sincerely,



Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh



City of Pleasant Hill

3300 N. MAIN STREET, PLEASANT HILL, CALIFORNIA 94523 PHONE (415) 934-6050

July 13, 1984

JUL 18 1984

Ms. Barbara Milman
Chief of Legal Division
Fair Political Practices Commission
1100 "K" Street
P. O. Box 807
Sacramento, CA 95804

Re: Request for Advise

Dear Ms. Milman:

This request for advice from the Fair Political Practices Commission is made on behalf of Louis E. Weldon, Councilmember of the City of Pleasant Hill (the City Council is also the Redevelopment Agency) with reference to his obligations under Chapter 7, of the Political Reform Act of 1974.

FACTS:

The Pleasant Hill Redevelopment Agency was created by the City Council in 1973 under the California Community Redevelopment Law for the purpose of creating new development and revitalizing existing properties in the City of Pleasant Hill. The five-member Pleasant Hill City Council also serves as the Board for the Redevelopment Agency, establishing policy and giving guidance and direction to the Agency staff.

The City currently has two redevelopment areas called PLEASANT HILL COMMONS and SCHOOLYARD.

The PLEASANT HILL COMMONS plan calls for a new central area very different from what exists in the area today. To achieve this goal, a majority of existing structures will be removed and replaced by new buildings and public open space. This will necessitate the purchase of private property and the relocation of households and businesses. In PLEASANT HILL COMMONS, new homes and businesses have already been built. We now have the Pleasant Hill Plaza Shopping Center, with Fry's Market and various retail shops, 101 senior citizen rental units, and two hundred thirty-four townhouses. The second phase of construction will be concentrated in the area of office and retail space, with the last phase including a hotel and central block development incorporating a specialty retail complex, offices, and possibly new City offices arranged around a unique open space park.

The Redevelopment Agency and City are currently exploring the possibility of expanding the boundaries of the Pleasant Hill Commons Redevelopment Area to include the North Contra Costa Boulevard area as shown in Exhibit 'A'. (For procedure regarding amendments to a redevelopment area, see Health & Safety Code, Chapter 4, §§33300 et seq.)

The expansion of the Pleasant Hills Commons Redevelopment Area would retain the existing General Plan (except for two small parcels) and zoning (Retail-Business), but would add a Planned Unit Development overlay.

The Business District Element of the Pleasant Hill General Plan refers to this area generally between the Pleasant Hill/Concord line to the north of the Woodsworth Shopping Center to the south as "strip commercial development with some single family use backing up to the major street" (Contra Costa Boulevard). It further states that "the problem of commercial encroachment, however, does occur in the southern commercial area; well defined and contained commercial uses do not exist in this area and conflicts between pedestrian-oriented conveniences and comparison goods outlets and facilities serving the automobile are apparent." This discussion in the General Plan closes to stating that there are "many facilities in structures built without reference to the design of, or use of neighboring buildings contribute to the general appearance as unplanned and ill conceived development." This was written in 1966 during a General Plan revision. Even though there have been some attempts to improve some of the existing development including construction of two or three new buildings, the area has continued to deteriorate.

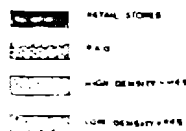
Plate 2 shows the General Plan designation for the area which is not proposed to be modified. The majority of the area is designated for commercial development consisting of retail stores and personal services. This allows for broad range of commercial uses. There is a small area on the northwest corner of Contra Costa Boulevard and Doray Drive shown as professional and administrative office use. There are also two high density residential areas along with two small low density residential sections.

Plate 3 shows the existing zoning within the area, as well as those areas immediately adjacent. The area is predominantly zoned Retail Business (R-B) with one area of Professional Administrative Office (P.A.O.) on the north side of Doray Drive, west of



Plate 2

GENERAL PLAN



Contra Costa Boulevard and two areas of Multiple Family Residential (M-R) between Kinney Shoes and the Straw Hat Pizza on the east side of Contra Costa Boulevard and an area east of the Gold Coin Restaurant. The abutting properties are predominantly zoned Single Family Residential (P.U.D.) with townhouses and Multiple Family Residential (M-R) to the east of the area at Massolo Drive.

The existing land use pattern in the area is shown on Plate 4. The area is developed with a strip-type commercial development except for the Gregory Village Shopping Center. There are sizeable vacant parcels which have not developed primarily because of poor access and awkward design. There are two sizeable apartment complexes one on the east side of Contra Costa Boulevard north of Massolo Drive and the other east of the Gold Coin Restaurant. There are two office type structures north of Doray Drive on the west side of Contra Costa Boulevard.

Plate 3

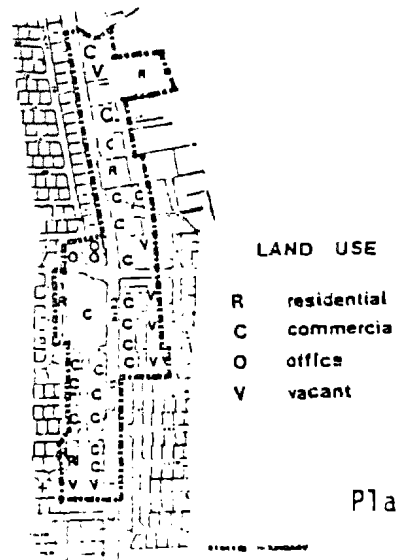
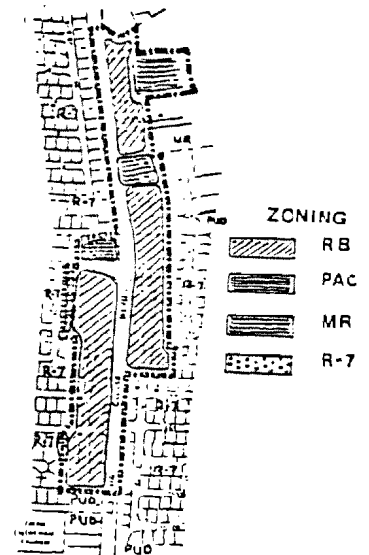


Plate 4

Plate 5 indicates that the over-all character of development of the area, as well as the key planning issues. The land use development can best be described as deteriorating; there is generally inefficient use of the land (some isolated lots are virtually land-locked), poor transition between commercial and residential area, poor parking and internal circulation, generally obsolete shopping areas including a sizeable shopping center and an over-all lack of amenities. there are also too many curb cuts along Contra Costa Boulevard detracting from the functional use of that facility as a thoroughfare. The lack of good design treatment and landscaping, unattractive signing and poor relationship of uses is detracting from the economic potential of the area.

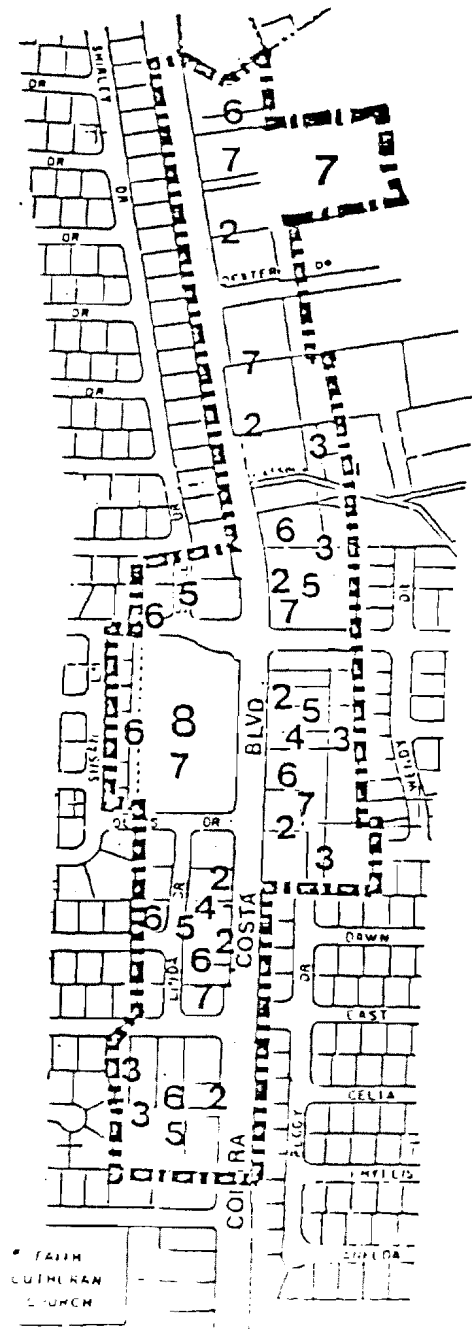
KEY TO PLATE 5

- 1 Overall Pattern of Depreciation
- 2 Present Dev. Constrains C.C.Blvd. as thoroughfare, i.e. curb cuts, etc.
- 3 Isolated Parcels
- 4 Dev. Crowded-Impacts Adj. Res.
- 5 Poor Parking & Internal Circ.
- 6 Poor Transition Between Comm. & Residential
- 7 Overall Lack of Amenities, i.e.
 - good design
 - landscaping
 - signing
- 8 Obsolete Shopping Centers

■■■■■ BOUNDARY

CHARACTER OF DEVELOPMENT

Plate 5



In summary, it is expected that if the proposed expansion of the Pleasant Hill Commons Redevelopment Area is approved, the Council or Redevelopment Agency would take action on the following matters:

A. City Council:

1. Approval of the Planned Unit Development Overlay (zoning) for that area.
2. Hear matters on appeal from the Planning Commission within this area.

B. Redevelopment Agency

Hear and approve all projects within that area.

COUNCILMEMBER WELDON'S FINANCIAL INTEREST

Councilmember Louis E. Welson currently owns a 25% Partnership (Investors Affiliated) in a building (including the land) within the proposed expansion of the Pleasant Hill Commons Redevelopment Area (See Exhibit A). The value of the 25% interest is approximately \$10,001 to \$100,000. It is estimated that the value of the land and building are in excess of \$100,000. The 25% interest in the partnership provides a yearly income of approximately \$1,001 - \$10,000. The rental income is derived from California Auto Radio & Air Conditioning Inc. and California Dental Ceramics, Inc.

Councilmember Weldon and his wife own California Auto Radio & Air Conditioning Inc. which rents space in the building owned by Investor's Affiliated. California Auto Radio & Air Conditioning Inc. is a retail sales and service business for automobile radios and air conditioning. The income derived from this business exceeds \$10,000. (Councilmember Weldon's wife is also employed by this business.)

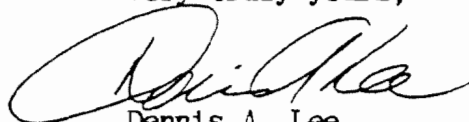
QUESTION PRESENTED:

1. Can Mr. Weldon as a member of the City Council and Board of the Redevelopment Agency, participate in the process of expanding the boundaries in the Pleasant Hill Commons Redevelopment Area? (Mr. Weldon has refrained from participation pending your advise on this matter.)
2. Can Mr. Weldon as a member of the City Council vote on the Planned Unit Development overlay (Zoning) on the proposed expansion area?
3. Will Mr. Weldon be allowed to participate on the Redevelopment projects which come before the Redevelopment Agency, if for example the hotel project becomes a reality within the Pleasant Hill Commons Redevelopment Area. (See Exhibit B), or if the Pleasant Hill Commons area is expanded and a project is proposed for (hypothetical) the Gregory Gardens Shopping Center? (See Exhibit A.)

4. For any of the situations listed above, are Mr. Weldon's interests indistinguishable from the effect on the public generally.

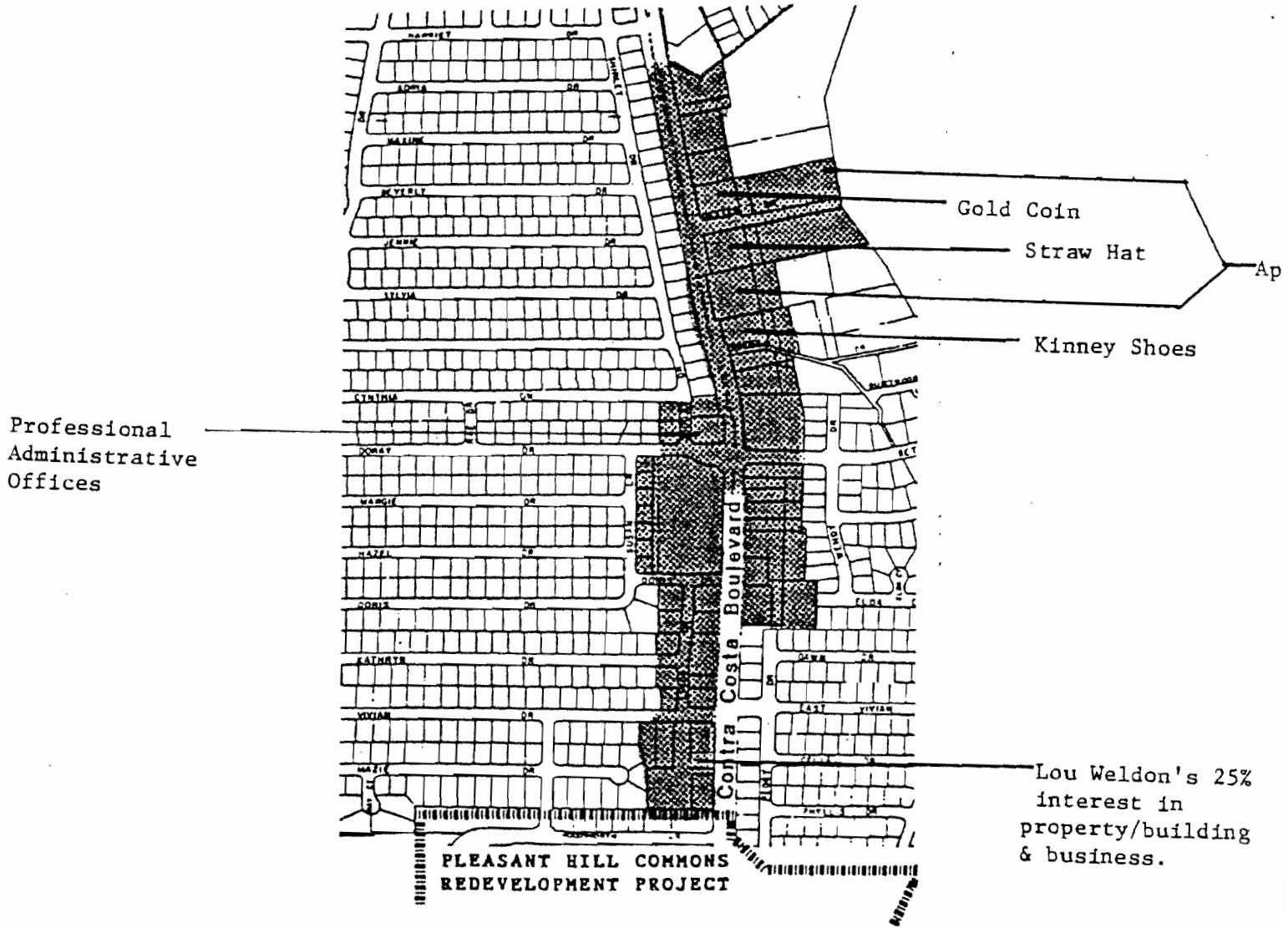
Please feel free to call me if you should have any questions.

Very truly yours,

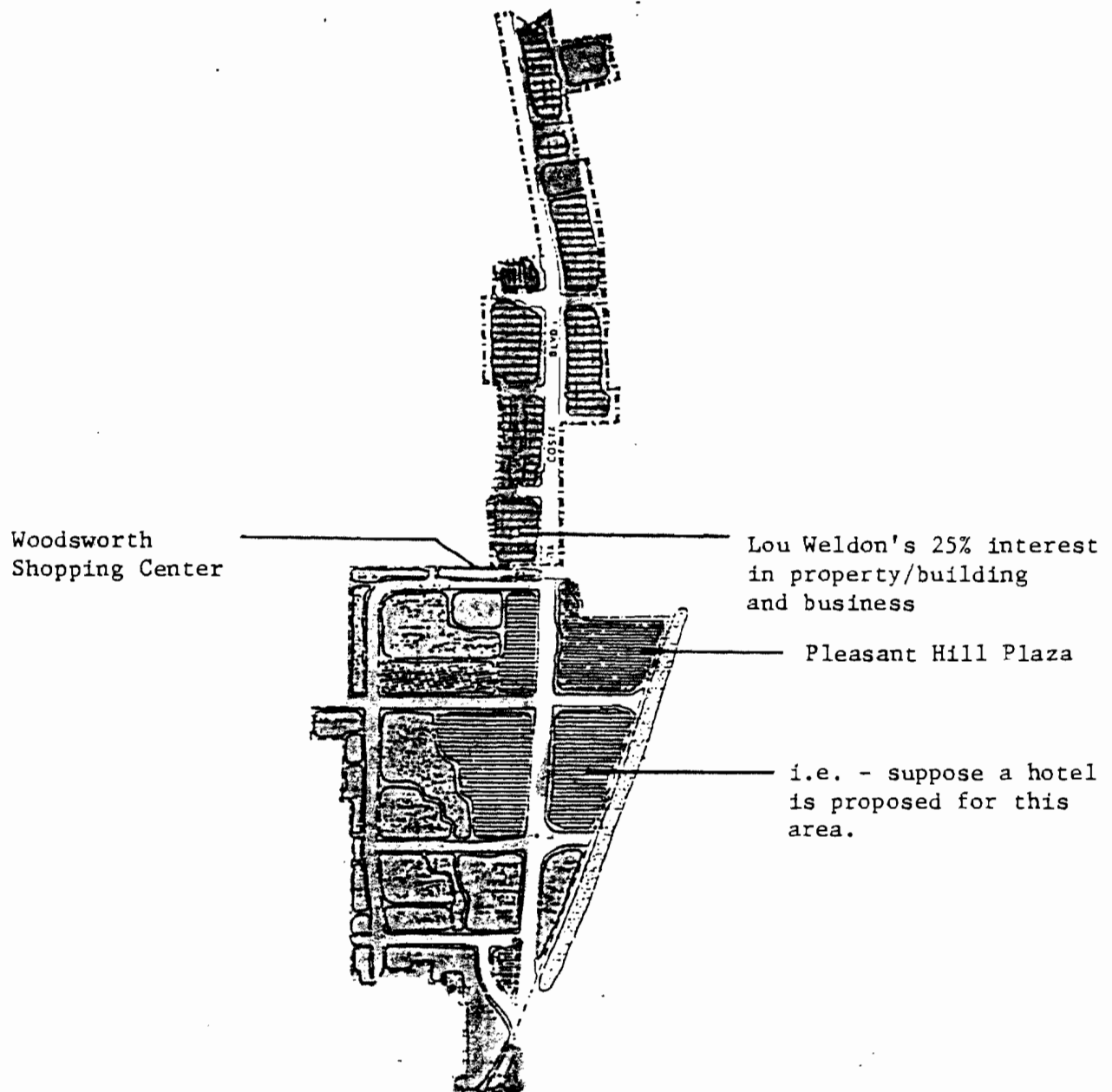
A handwritten signature in dark ink, appearing to read "Dennis A. Lee", written in a cursive style.

Dennis A. Lee
City Attorney

DAL:bs



Pink - Proposed Redevelopment Project Area



Pink - Proposed Redevelopment Project Area

Yellow - Existing Redevelopment Project

EXHIBIT B

Weldon asks for delay on redevelopment expansion

By Sandy Kleffman
Times staff writer

PLEASANT HILL — Miffed about getting more shoulder shrugs than answers to questions about a possible conflict of interest, Councilman Louis Weldon urged city officials this week to delay a vote on expanding the redevelopment area.

"For several months, I've been trying to go by the rules and I can't get any direct answers," Weldon complained Tuesday. "I feel I can't really do my job as councilman with this kind of attitude."

By holding up the project for a week, Weldon said, he hopes to "force" an answer about whether he can legally participate in "one of the most important overall decisions the city will be involved in for many years to come."

The City Council, sitting as the Redevelopment Agency, agreed Monday night to postpone for one week its decision about whether to authorize preparation of an environmental study on the redevelopment proposal to give Weldon time to figure out whether he can legally participate.

Weldon's dilemma stems from his ownership of the California Auto Radio & Air Conditioning Co. on Contra Costa Boulevard in a mile-long stretch the city is considering adding to its Pleasant Hill Commons redevelopment area.

By bringing the property within its redevelopment district, the city hopes to funnel certain property tax revenues that would normally be shared with other agencies back into the area to rehabilitate properties, buy land or buildings, or fund capital improvement projects.

Because his building is in good shape, Weldon said, "the only thing I have to gain is that there could be more people in the boat," referring to a possible increase in potential customers if redevelopment activi-



Louis Weldon

ties caused other businesses to open up nearby.

Weldon asked the city attorney several months ago for a ruling about whether he legally has a conflict of interest. The state government code bars elected officials from making or participating in the making "of a governmental decision if he knows or has reason to know that he has a financial interest."

An official must abstain, the code states, if a decision will have a "material financial effect" on his or her interests that is "distinguishable from its effect on the public generally."

Such rules "are much too vague," Weldon maintained. "Really, you don't know what to do. It's very broad and very unfair in many ways. As broad as it is, technically everybody on the City Council could have a conflict."

He said City Attorney Dennis Lee referred the matter about a month ago to the Fair Political Practices Commission, a state

agency charged with monitoring conflict of interest laws. But to date, Weldon said, the city has received no response.

Neither Lee, who is on vacation, or officials from the FPPC could be reached for comment Tuesday.

While waiting for an answer, Weldon said, the city attorney advised him to abstain on the matter as a precaution. He abstained on one decision about the plan in June and left the room Monday night when the council briefly discussed it.

"But I feel that it's being drug on and on and it's not being given the attention it should be given," he said. "I feel I'm entitled to some kind of feedback from the Fair Political Practices Commission."

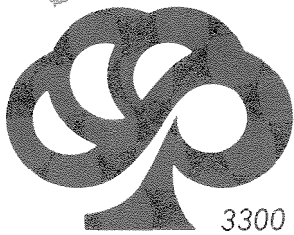
The Redevelopment Agency is slated to decide whether to authorize preparation of an environmental study on the proposed expansion at its next meeting, beginning at 7:30 p.m. Sept. 4.

6/2/84
8/30/84
A
M

NOW 15 Kuehne

Dear Steve===here is the article that I mentioned in our telephone conversation today.

Bob Kahn



City of Pleasant Hill

3300 N. MAIN STREET, PLEASANT HILL, CALIFORNIA 94523 PHONE (415) 934-6050

July 13, 1984

JUL 18 1984

Ms. Barbara Milman
Chief of Legal Division
Fair Political Practices Commission
1100 "K" Street
P. O. Box 807
Sacramento, CA 95804

Re: Request for Advise

Dear Ms. Milman:

This request for advice from the Fair Political Practices Commission is made on behalf of Louis E. Weldon, Councilmember of the City of Pleasant Hill (the City Council is also the Redevelopment Agency) with reference to his obligations under Chapter 7, of the Political Reform Act of 1974.

FACTS:

The Pleasant Hill Redevelopment Agency was created by the City Council in 1973 under the California Community Redevelopment Law for the purpose of creating new development and revitalizing existing properties in the City of Pleasant Hill. The five-member Pleasant Hill City Council also serves as the Board for the Redevelopment Agency, establishing policy and giving guidance and direction to the Agency staff.

The City currently has two redevelopment areas called PLEASANT HILL COMMONS and SCHOOLYARD.

The PLEASANT HILL COMMONS plan calls for a new central area very different from what exists in the area today. To achieve this goal, a majority of existing structures will be removed and replaced by new buildings and public open space. This will necessitate the purchase of private property and the relocation of households and businesses. In PLEASANT HILL COMMONS, new homes and businesses have already been built. We now have the Pleasant Hill Plaza Shopping Center, with Fry's Market and various retail shops, 101 senior citizen rental units, and two hundred thirty-four townhouses. The second phase of construction will be concentrated in the area of office and retail space, with the last phase including a hotel and central block development incorporating a specialty retail complex, offices, and possibly new City offices arranged around a unique open space park.

The Redevelopment Agency and City are currently exploring the possibility of expanding the boundaries of the Pleasant Hill Commons Redevelopment Area to include the North Contra Costa Boulevard area as shown in Exhibit 'A'. (For procedure regarding amendments to a redevelopment area, see Health & Safety Code, Chapter 4, §§33300 et seq.)

The expansion of the Pleasant Hills Commons Redevelopment Area would retain the existing General Plan (except for two small parcels) and zoning (Retail-Business), but would add a Planned Unit Development overlay.

The Business District Element of the Pleasant Hill General Plan refers to this area generally between the Pleasant Hill/Concord line to the north of the Woodsworth Shopping Center to the south as "strip commercial development with some single family use backing up to the major street" (Contra Costa Boulevard). It further states that "the problem of commercial encroachment, however, does occur in the southern commercial area; well defined and contained commercial uses do not exist in this area and conflicts between pedestrian-oriented conveniences and comparison goods outlets and facilities serving the automobile are apparent." This discussion in the General Plan closes to stating that there are "many facilities in structures built without reference to the design of, or use of neighboring buildings contribute to the general appearance as unplanned and ill conceived development." This was written in 1966 during a General Plan revision. Even though there have been some attempts to improve some of the existing development including construction of two or three new buildings, the area has continued to deteriorate.

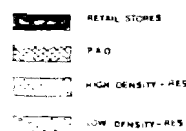
Plate 2 shows the General Plan designation for the area which is not proposed to be modified. The majority of the area is designated for commercial development consisting of retail stores and personal services. This allows for broad range of commercial uses. There is a small area on the northwest corner of Contra Costa Boulevard and Doray Drive shown as professional and administrative office use. There are also two high density residential areas along with two small low density residential sections.

Plate 3 shows the existing zoning within the area, as well as those areas immediately adjacent. The area is predominantly zoned Retail Business (R-B) with one area of Professional Administrative Office (P.A.O.) on the north side of Doray Drive, west of



Plate 2

GENERAL PLAN



Contra Costa Boulevard and two areas of Multiple Family Residential (M-R) between Kinney Shoes and the Straw Hat Pizza on the east side of Contra Costa Boulevard and an area east of the Gold Coin Restaurant. The abutting properties are predominantly zoned Single Family Residential (P.U.D.) with townhouses and Multiple Family Residential (M-R) to the east of the area at Massolo Drive.

The existing land use pattern in the area is shown on Plate 4. The area is developed with a strip-type commercial development except for the Gregory Village Shopping Center. There are sizeable vacant parcels which have not developed primarily because of poor access and awkward design. There are two sizeable apartment complexes one on the east side of Contra Costa Boulevard north of Massolo Drive and the other east of the Gold Coin Restaurant. There are two office type structures north of Doray Drive on the west side of Contra Costa Boulevard.

Plate 3

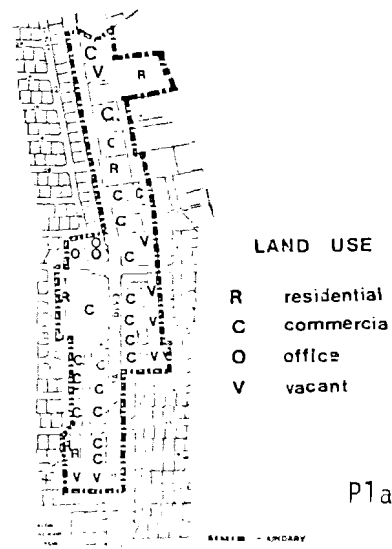
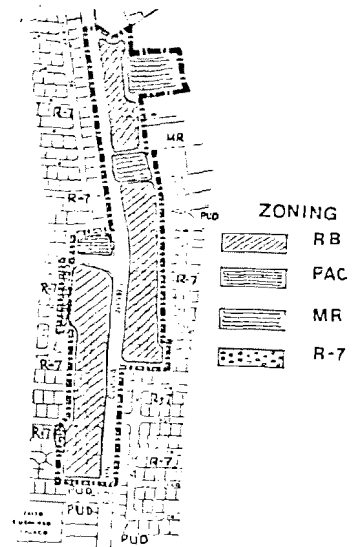


Plate 4

Plate 5 indicates that the over-all character of development of the area, as well as the key planning issues. The land use development can best be described as deteriorating; there is generally inefficient use of the land (some isolated lots are virtually land-locked), poor transition between commercial and residential area, poor parking and internal circulation, generally obsolete shopping areas including a sizeable shopping center and an over-all lack of amenities. there are also too many curb cuts along Contra Costa Boulevard detracting from the functional use of that facility as a thoroughfare. The lack of good design treatment and landscaping, unattractive signing and poor relationship of uses is detracting from the economic potential of the area.

KEY TO PLATE 5

- 1 Overall Pattern of Depreciation
- 2 Present Dev. Constrains C.C.Blvd. as thoroughfare, i.e. curb cuts, etc.
- 3 Isolated Parcels
- 4 Dev. Crowded-Impacts Adj. Res.
- 5 Poor Parking & Internal Circ.
- 6 Poor Transition Between Comm. & Residential
- 7 Overall Lack of Amenities, i.e.
 - good design
 - landscaping
 - signing
- 8 Obsolete Shopping Centers

■■■■ BOUNDARY

CHARACTER OF DEVELOPMENT

Plate 5



In summary, it is expected that if the proposed expansion of the Pleasant Hill Commons Redevelopment Area is approved, the Council or Redevelopment Agency would take action on the following matters:

A. City Council:

1. Approval of the Planned Unit Development Overlay (zoning) for that area.
2. Hear matters on appeal from the Planning Commission within this area.

B. Redevelopment Agency

Hear and approve all projects within that area.

COUNCILMEMBER WELDON'S FINANCIAL INTEREST

Councilmember Louis E. Welson currently owns a 25% Partnership (Investors Affiliated) in a building (including the land) within the proposed expansion of the Pleasant Hill Commons Redevelopment Area (See Exhibit A). The value of the 25% interest is approximately \$10,001 to \$100,000. It is estimated that the value of the land and building are in excess of \$100,000. The 25% interest in the partnership provides a yearly income of approximately \$1,001 - \$10,000. The rental income is derived from California Auto Radio & Air Conditioning Inc. and California Dental Ceramics, Inc.

Councilmember Weldon and his wife own California Auto Radio & Air Conditioning Inc. which rents space in the building owned by Investor's Affiliated. California Auto Radio & Air Conditioning Inc. is a retail sales and service business for automobile radios and air conditioning. The income derived from this business exceeds \$10,000. (Councilmember Weldon's wife is also employed by this business.)

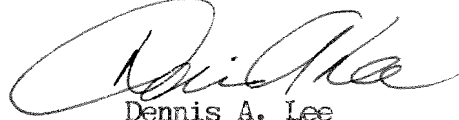
QUESTION PRESENTED:

1. Can Mr. Weldon as a member of the City Council and Board of the Redevelopment Agency, participate in the process of expanding the boundaries in the Pleasant Hill Commons Redevelopment Area? (Mr. Weldon has refrained from participation pending your advise on this matter.)
2. Can Mr. Weldon as a member of the City Council vote on the Planned Unit Development overlay (Zoning) on the proposed expansion area?
3. Will Mr. Weldon be allowed to participate on the Redevelopment projects which come before the Redevelopment Agency, if for example the hotel project becomes a reality within the Pleasant Hill Commons Redevelopment Area. (See Exhibit B), or if the Pleasant Hill Commons area is expanded and a project is proposed for (hypothetical) the Gregory Gardens Shopping Center? (See Exhibit A.)

4. For any of the situations listed above, are Mr. Weldon's interests indistinguishable from the effect on the public generally.

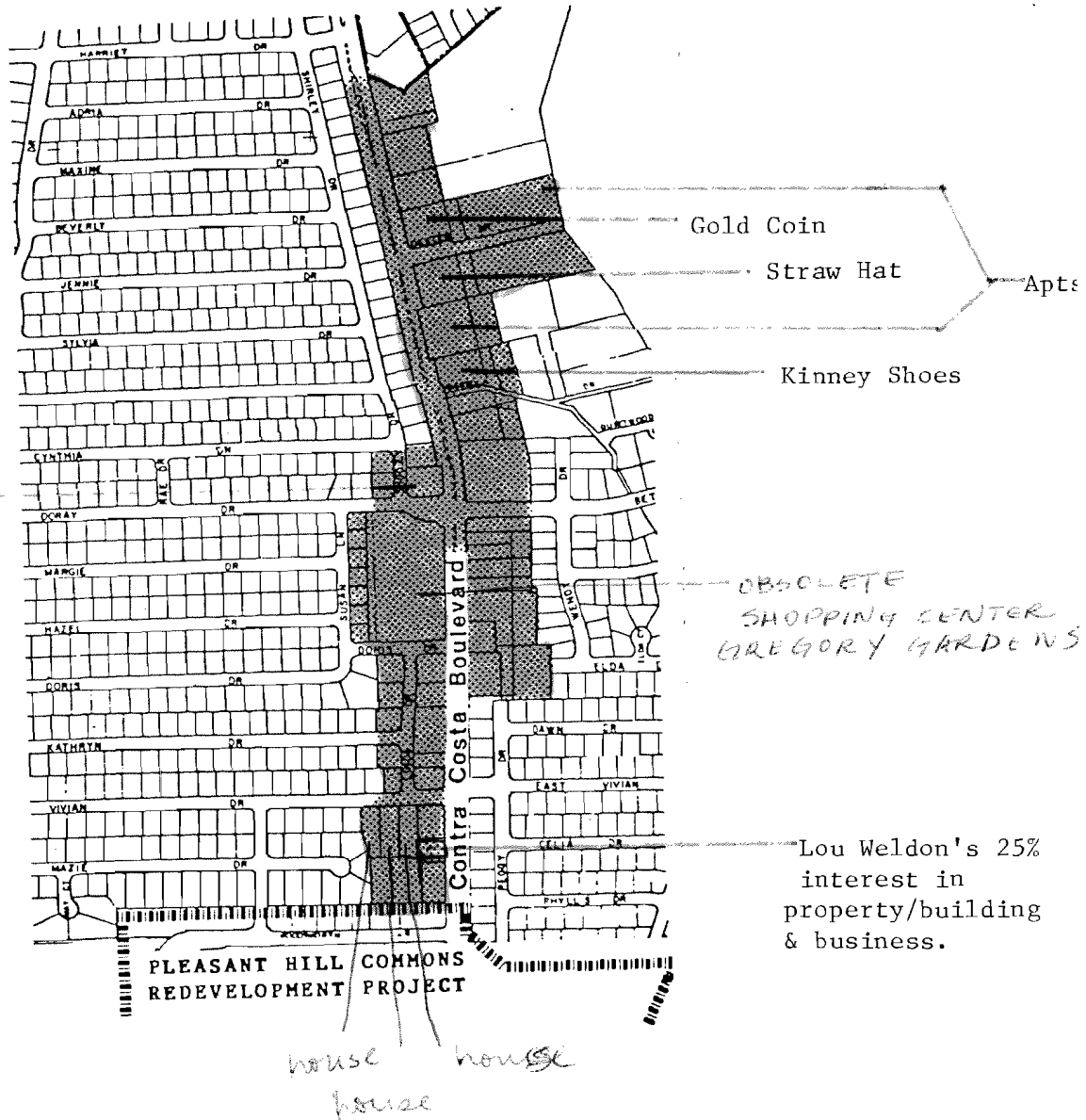
Please feel free to call me if you should have any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dennis A. Lee".

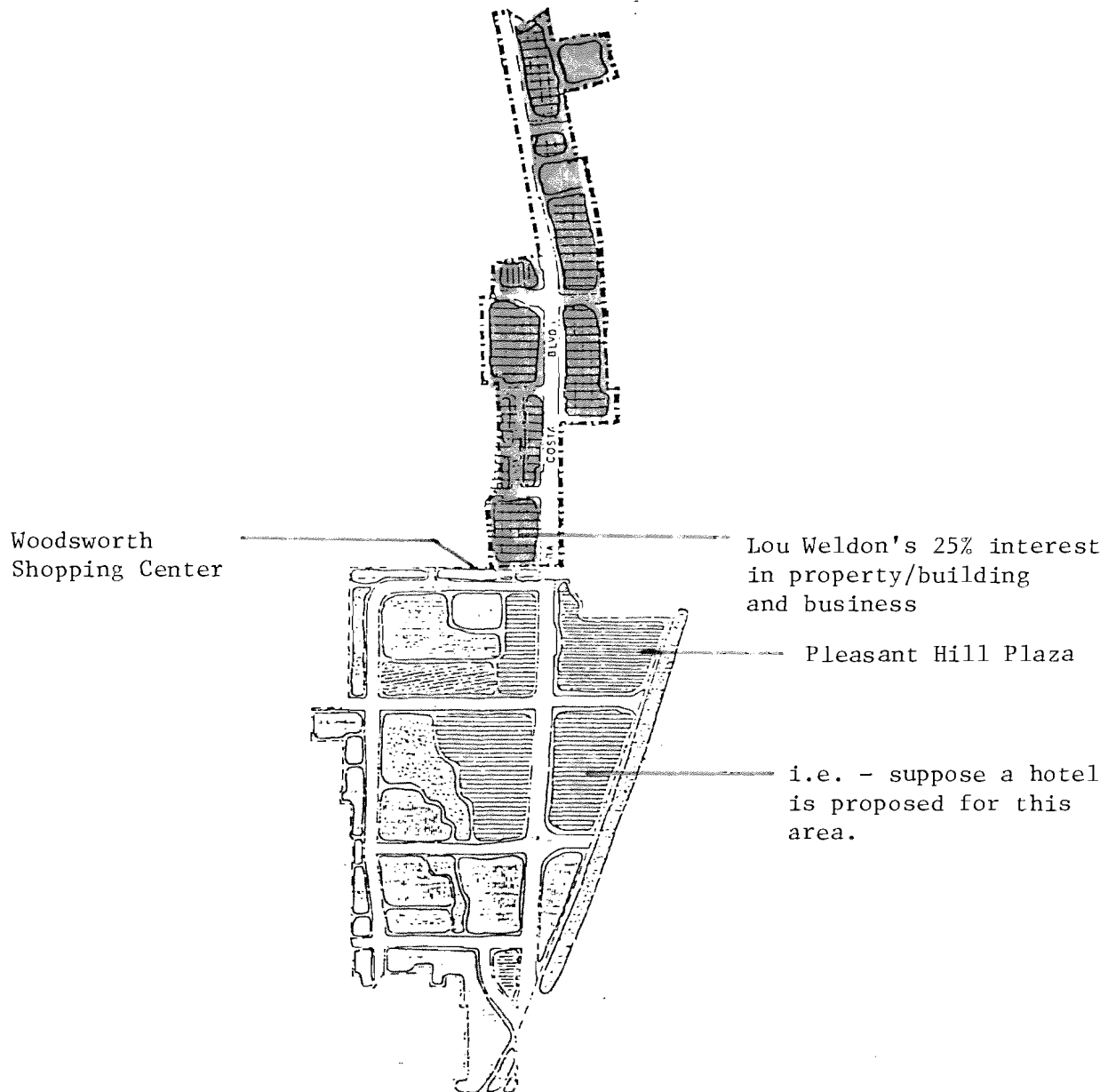
Dennis A. Lee
City Attorney

DAL:bs



Pink - Proposed Redevelopment Project Area

EXHIBIT A



Pink - Proposed Redevelopment Project Area

Yellow - Existing Redevelopment Project

EXHIBIT B